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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Evelio Sedeno-Badia,

13 Defendant.
14

No. CR-21-02520-001-TUC-RM (EJM)

ORDER

15 On January 28, 2022, Magistrate Judge Eric J. Markovich issued a Report and
16 Recommendation (Doc. 48) recommending that this Court deny Defendant's Motion to
17 Dismiss Indictment. No objections to the Report and Recommendation were filed.

18 A district judge must "make a de novo determination of those portions" of a
19 magistrate judge's "report or specified proposed findings or recommendations to which
20 objection is made." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Crim. P. 59(b)(3) ("The
21 district judge must consider de novo any objection to the magistrate judge's
22 recommendation"). Failure to object to the findings and recommendations of the
23 magistrate judge "waives a party's right to review." Fed. R. Crim. P. 59(b)(2).

24 The Court has reviewed Magistrate Judge Eric J. Markovich's Report and
25 Recommendation, the parties' briefs, and the record. The Court finds no error in
26 Magistrate Judge Eric J. Markovich's Report and Recommendation, and Defendant has
27 waived his right to de novo review by failing to file objections.


28 Accordingly,

1 **IT IS ORDERED** that the Report and Recommendation (Doc. 48) is **accepted**
2 **and adopted in full.**

3 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss Indictment
4 (Doc. 28) is **denied.**

5 Dated this 21st day of March, 2022.

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Honorable Rosemary Márquez
United States District Judge